

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

THOMAS C. THOMPSON, JR.,

)

Plaintiff,

)

v.

No. 3:09-1188  
**JUDGE HAYNES**

ROBERTSON COUNTY SHERIFF'S  
DEPARTMENT, ET AL.,

)

Defendants.

)

**ORDER**

Before the Court is a complaint brought under 42 U.S.C. § 1983. Plaintiff's residence and current whereabouts are unknown.<sup>1</sup>

As explained in the footnote below, Plaintiff was not incarcerated when he filed his complaint. Therefore, the complaint is not subject to the Prison Litigation Reform Act (PLRA). Because this action is not subject to the PLRA, the PLRA's provision for assessing the filing fee is not applicable. Therefore, the Court's Order granting *in forma pauperis* "subject to a subsequent order setting forth a schedule of payments" (Docket Entry No. 3) is hereby **AMENDED**, and Plaintiff's application to proceed *in forma pauperis* (Docket Entry No. 2) is **GRANTED** without regard for the precondition quoted above.

For the reasons explained in the accompanying memorandum, the complaint is **DISMISSED** for failure to state a claim. 28 U.S.C. § 1915(e)(2). Because an appeal would **NOT** be taken in good

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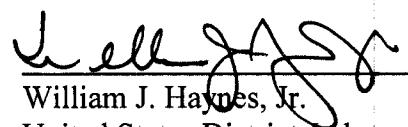
1 Although Plaintiff asserted in his undated complaint that he was incarcerated in the Robertson County Jail (Docket Entry No. 1, ¶ II, p. 2), his application to proceed *in forma pauperis* was certified on October 19, 2009 by officials of the Sumner County Jail (Docket Entry No. 2, p. 3). Subsequent research has revealed that Plaintiff was released from the Robertson County Jail on October 9, 2009, and later from the Sumner County Jail on October 30, 2009. That the complaint and application to proceed *in forma pauperis* were filed by hand on December 14, 2009 supports the conclusion that the plaintiff is no longer in custody. The plaintiff has not provided the Court with a current mailing address.

faith, Plaintiff is **NOT** certified to pursue an appeal from this judgment *in forma pauperis*. 28  
U.S.C. § 1915(a)(3). Should Plaintiff seek to appeal the judgment entered herein, he will be require  
to pay the full \$455.00 appellate filing fee.

This Order is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 27<sup>th</sup> day of January, 2010.



William J. Haynes, Jr.  
United States District Judge